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5 Attorney for Defendant

6  
7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 ZACHARY SANNS,

13 Defendants.

2:20-cr-00265-JCM-BNW

**STIPULATION TO CONTINUE  
TRIAL  
(Fifth Request)**

14 **IT IS HEREBY STIPULATED AND AGREED**, by and between Christopher Chiou,  
15 Acting United States Attorney, and Christopher Burton, Assistant United States Attorney,  
16 counsel for the United States of America, and David T. Brown, counsel for defendant, that the  
17 trial date currently scheduled for September 26, 2022, and the calendar call currently set for  
18 September 21, 2022, be vacated and be continued for at least ninety (90) days to a date and  
19 time that is convenient to this Court.

20 This stipulation is entered into for the following reasons:

- 21 1. Defense counsel needs additional time to conduct additional investigation,  
22 find and interview potential witnesses and research any pretrial issues.  
23 2. Defense counsel is in the process of reviewing additional video evidence that  
24 has been provided that show the events of the evening in question as well as attempting to  
25 locate potential witnesses.  
26 3. In addition, the parties are working with one another to reach a potential  
27 resolution for this case and feel the review of this evidence could expedite a plea agreement.  
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- 1           4.     The defendant is not in custody and agrees to the continuance.
- 2           5.     The parties agree to the continuance.
- 3           6.     The additional time is to allow defense counsel sufficient time to investigation
- 4 and litigate any necessary pretrial issues and to prepare for trial, if this case cannot be
- 5 resolved through negotiations.
- 6           7.     Since April 2020, the COVID-19 pandemic and the Chief Judge's series of
- 7 General Orders regarding the pandemic, have slowed the prompt administration of justice in
- 8 the courts of the United States. Despite the District of Nevada's recent ability to start
- 9 conducting a limited number of jury trials, COVID based delays in this District threaten to
- 10 persist into the immediate future.
- 11          8.     Additionally, this continuance is not made for the purposes of delay, and
- 12 denial of this request for continuance could result in a miscarriage of justice. The additional
- 13 time requested is excludable in computing the time within which trial must commence under
- 14 the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), based on the factors under §
- 15 3161(h)(7)(B)(I), (iv).

16           **DATED** this 19th day of August, 2022.

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18                               /s/ David Brown

19                               \_\_\_\_\_  
DAVID T. BROWN, ESQ.  
Counsel for Defendant

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21                               /s/ Christopher Burton

22                               \_\_\_\_\_  
CHRISTOPHER BURTON, ESQ.  
United States Attorney

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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA, )

11 Plaintiff, )

12 vs. )

13 ZACHARY SANNS, )

14 Defendants. )

2:20-cr-002265-JCM-BNW

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER**

15  
16 **FINDINGS OF FACT**

17 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
18 Court finds that:

19 1. Defense counsel needs additional time to conduct additional investigation,  
20 find and interview potential witnesses and research any pretrial issues.

21 2. Defense counsel is in the process of reviewing additional video evidence that  
22 has been provided that show the events of the evening in question as well as attempting to  
23 locate potential witnesses.

24 3. In addition, the parties are working with one another to reach a potential  
25 resolution for this case and feel the review of this evidence could expedite a plea agreement.

26 4. The defendant is not in custody and agrees to the continuance.

27 5. The parties agree to the continuance.

28 6. The additional time is to allow defense counsel sufficient time to investigation

1 and litigate any necessary pretrial issues and to prepare for trial, if this case cannot be  
2 resolved through negotiations.

3 7. Since April 2020, the COVID-19 pandemic and the Chief Judge's series of  
4 General Orders regarding the pandemic, have slowed the prompt administration of justice in  
5 the courts of the United States. Despite the District of Nevada's recent ability to start  
6 conducting a limited number of jury trials, COVID based delays in this District threaten to  
7 persist into the immediate future.

8 8. Additionally, this continuance is not made for the purposes of delay, and  
9 denial of this request for continuance could result in a miscarriage of justice. The additional  
10 time requested is excludable in computing the time within which trial must commence under  
11 the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), based on the factors under §  
12 3161(h)(7)(B)(I), (iv).

### 13 CONCLUSION OF LAW

14 There is good cause in continuing the trial and the ends of justice served by granting said  
15 continuance outweigh the best interest of the public and the defendant, since the failure to grant  
16 said continuance would be likely to result in a miscarriage of justice, would deny the parties  
17 herein sufficient time and the opportunity within which to be able to effectively and thoroughly  
18 prepare for the preliminary hearing, taking into account the exercise of due diligence.

19 The continuance sought herein is excusable under Federal Rules of Criminal Procedure  
20 5.1(d) and the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(7)(A), when  
21 considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and (iv).

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**DATED** August 22, 2022.

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